

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:10-MC-1-FL

IN RE:  
THOMAS EVERETTE, JR.,  
  
Debtor  
Case No.: 09-07850-8-RDD


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ORDER

This matter is before the court on appellant's failure to file the required designation of items to be included in the record on appeal and a statement of the items to be presented as required by Federal Rule of Bankruptcy Procedure 8006. In a Recommendation for Dismissal of Appeal filed January 6, 2010, the bankruptcy court found that appellant failed to file the documents required by Rule 8006. Appellant was notified of these requirements by the bankruptcy court by memorandum dated December 3, 2009.

As of this date, appellant has made no further filings. Appellant has been given notice of the requirements to prosecute his appeal and ample time to comply with those requirements but has failed to do so. Accordingly, appellant's appeal is hereby dismissed pursuant to this court's discretionary authority under Federal Rule of Bankruptcy Procedure 8001(a). See In re SPR Corp., 45 F.3d 70, 74 (4th Cir. 1995); In re Serra Builders, Inc., 970 F.2d 1309, 1311 (4th Cir. 1992).

SO ORDERED, this the 10<sup>th</sup> day of February, 2010.

  
LOUISE W. FLANAGAN  
Chief United States District Judge